

**ADMINISTRATIVE, CIVIL, CRIMINAL, MISCELLANEOUS  
AND FAMILY LAW RULES  
EFFECTIVE JANUARY 1, 2016**

---

**CHAPTER 1. ADMINISTRATIVE RULES**

**RULE 1.1 GENERAL**

**1.1.4 Definitions**

The definitions set forth in the California Rules of Court, or any other rules adopted by the Judicial Council, shall apply with equal force and for all purposes to these rules, unless the context or subject matter herein otherwise requires.

**Alternative Dispute Resolution**: No change.

**Business Day or Days**: No change.

**Clerk**: No change.

**Complex Litigation**: No change.

**Court**: No change.

**Court Day**: No change.

**Court's Website**: No change.

**Department**: No change.

~~**Division**: The word "division" means any of the following divisions which comprise the court: Archives Division, Central Division and Juvenile Division.~~

**General Civil Case**: No change.

**Judgment**: No change.

**Judicial Council Rules**: No change.

**Judicial Officer**: No change.

**Limited Civil Cases**: No change.

**Meet and Confer**: No change.

**Paper**: No change.

**Party**: No change.

**Person**: No change.

**Plaintiff**: No change.

**Presiding Judge**: No change.

**Short Cause Case**: No change.

**Unlimited Civil Case**: No change. (Effective January 1, 2016; Rule 1.1.4 renumbered effective January 1, 2006; adopted as Rule 1.4 effective January 1, 2005)

## **CHAPTER 2. CIVIL RULES**

### **RULE 2.7 EX PARTE APPLICATIONS**

#### **2.7.1 Format and Filing**

A. All applications for ex parte orders failing to comply with Rules 3.1200 through 3.1207 of the California Rules of Court will be rejected. Parties making ex parte applications shall obtain a date and time for the hearing of the application from the Clerk (Civil Calendar Division) law and motion clerk.

B. No change. (Effective January 1, 2016; Rule 2.7 renumbered effective January 1, 2006; adopted as Rule 10 effective July 1, 2000)

### **RULE 2.8 MISCELLANEOUS CIVIL RULES**

#### **~~2.8.6 Filing Limited Civil Cases in Proper Court Division~~**

~~A. Unless otherwise ordered, limited civil cases, including unlawful detainer cases, shall be filed and litigated in the division of the court designated by this rule. The location that determines the proper venue of a case (e.g., the place of defendant's residence, the place the contract was entered into, etc.) shall also determine the proper court division in which the case is to be filed. If the case is filed in a division other than that specified in this rule, it may be transferred to the proper division on the court's own motion or on motion of any party.~~

~~B. The proper court division for the filing of the case shall be determined by the zip code covering the location on which venue is based. A list of the zip codes and the corresponding court divisions in which cases are to be filed may be obtained from the Clerk's Office at any division of the court or may be accessed on the court's website. (Effective January 1, 2007; Rule 2.8.6 renumbered effective January 1, 2006; adopted as Rule 11.6 effective January 1, 2005)~~

#### **2.8.76      Firearms Forfeiture Default**

No change. (Rule 2.8.6 renumbered effective January 1, 2016; adopted as Rule 2.8.7 effective January 1, 2008)

#### **2.8.87      Petitions for Approval of Transfers of Structured Settlements**

No change. (Rule 2.8.7 renumbered effective January 1, 2016; adopted as Rule 2.8.8 effective July 1, 2010)

### **RULE 2.10    SMALL CLAIMS CASES**

#### **2.10.4      Filing Small Claims Cases in Proper Court Division**

~~Unless otherwise ordered, small claims cases shall be filed and litigated in the division of the court designated by Rule 2.8.6. If the case is filed in a division other than that specified in this rule, it may be transferred to the proper division on the court's own motion or on the request of any party. (Rule 2.10.4 renumbered effective January 1, 2006; adopted as Rule 13.4 effective July 1, 2003)~~

## **CHAPTER 3. CRIMINAL RULES**

### **RULE 3.4    FELONY CASE RULES**

#### **3.4.2      Designated Department**

Unless otherwise assigned by the Presiding Judge, all proceedings in each felony case, from arraignment through settlement conference shall be heard in one of the felony departments. For each case, the appropriate department shall be known as the "Designated Department." Felony cases shall be assigned to the Designated Department alphabetically by last name of defendant. Multiple defendant cases shall be assigned by last name of the first named defendant. ~~Felony cases from Divisions other than the Central Division shall have the preliminary hearings in those Divisions, but shall be assigned for arraignment on the information, and all subsequent hearings, alphabetically to the Designated Department. (Effective January 1, 2016; adopted as Rule 3.4.2 effective July 1, 2007)~~

## **RULE 3.6 TRAFFIC INFRACTION CASES**

### **3.6.1 Trial of Traffic Infractions**

~~At the discretion of the court, the court may conduct a trial of the defendant charged with an infraction which is a violation of the Vehicle Code or of a local ordinance adopted pursuant to the Vehicle Code in the following manner, as per Vehicle Code § 40901:~~

~~A. If the defendant waives his or her rights to confront and cross-examine witnesses, to subpoena witnesses on defendant's behalf, and to hire counsel at defendant's own expense, the trial may proceed at the time of arraignment before the judge conducting the arraignment. Prior to entry of a waiver of these constitutional rights, the court shall inform the defendant in writing of the nature of the proceedings and of these rights, and ascertain that the defendant knowingly and voluntarily waives these rights before proceeding.~~

~~B. If the non-English speaking population of Fresno County which speaks any one language exceeds 5% of the total population of the county, a written explanation of the proceedings and the rights of the defendant referred to in subsection (A) will be available in that language.~~

~~C. The court may accept testimony or other relevant evidence introduced in the form of a notice to appear issued pursuant to Vehicle Code § 40500 or any business record or receipt. (Rule 3.6.1 renumbered effective January 1, 2006; adopted as Rule 19.1 effective January 1, 2002)~~

### **3.6.21 Trial by Declaration**

A. Pursuant to Vehicle Code § 40903, a defendant charged with Vehicle Code infractions or violations of local ordinances adopted pursuant to the Vehicle Code who fails to (1) appear in court to plead or set a trial date, (2) post bail and request a trial by written declaration by mail, (3) request an extension, or (4) pay and forfeit bail by the date shown on the notice to appear may be deemed to have elected to have a trial by written declaration upon any alleged infraction or violation, as charged by the citing officer. A defendant deemed to have elected this procedure will be mailed a ~~TTR-205.1~~ **TTR-206** Form. Failure to return a written declaration by the date shown on Form ~~TTR-205.1~~ **TTR-205.2** may result in a trial upon such evidence as provided by Vehicle Code § 40903(b) and the case may be adjudicated solely on the merits of the citing document.

B. A trial by written declaration is also available to any defendant who wishes to contest the citation and who timely requests a trial by written declaration in writing. A trial by written declaration shall be requested and conducted in accordance with rule 4.210 of the California Rules of Court. A trial by declaration is not available if defendant has been notified that a personal appearance is mandatory. A defendant electing this

procedure shall complete and return to the Clerk Forms TR-205, Election by Trial By Written Declaration, and TR-200, Instructions to Defendant and shall notify the Clerk of his or her current address and of any changes thereof. Failure to return a written declaration by the date shown on Form TR-205 may result in a trial upon such evidence as provided by Vehicle Code § 40903(b) 40902(c). (Effective January 1, 2016; Rule 3.6.2 (now 3.6.1) renumbered effective January 1, 2006; adopted as Rule 19.2 effective January 1, 2002)

### **3.6.32      Traffic Infraction Appeals**

No change. (Effective January 1, 2009; Rule 3.6.3 (now 3.6.2) renumbered effective January 1, 2006; adopted as Rule 19.3 effective January 1, 2002)

### **3.6.43      Remote Video Trials and Proceedings in Traffic Infraction Cases**

A. No change.

B. No change.

C. To be eligible to appear for remote video arraignment or trial:

1. The citation issued must be for an infraction as defined in California Rules of Court, rule 4.220(b)(1);

2. Defendant must comply with California Rules of Court, rule 4.220;

3. Travel for the defendant to the M Street Courthouse must be in excess of fifteen (15) miles from the location where the citation was issued defendant resides.

D. No change.

E. No change.

F. No change.

G. No change. (Effective January 1, 2016; Rule 3.6.4 (now 3.6.3) renumbered effective January 1, 2016; adopted as Rule 3.6.4 effective March 1, 2013)

## CHAPTER 4. MISCELLANEOUS RULES

### RULE 4.1 RULES OF GENERAL APPLICATION

#### 4.1.12 Delivery of Court Reporter Transcripts to the Court

In all case types, any court reporter utilized to report court proceedings shall file all appellate and court ordered transcripts electronically via YesLaw. This rule applies to Court employees, per diem and pro tempore court reporters. (Effective January 1, 2016, New)

#### 4.1.13 Electronic Filing

Parties may file documents electronically in all types of cases other than criminal or juvenile. No electronic filing is permitted for criminal or juvenile cases.

The electronic filing of documents must be effected using the Court's electronic service provider. Electronic service provider information is available on the Court's website at [www.fresno.courts.ca.gov](http://www.fresno.courts.ca.gov). If a party with a fee waiver files documents electronically, that party is exempt from the fees and costs associated with the electronic filing.

For purposes of electronic filing of documents, pursuant to California Rules of Court, rule 2.250(b)(10), the "close of business" is 5:00 p.m. Pursuant to California Rules of Court, rule 2.259(c), a document that is received electronically by the Court after the close of business is deemed to have been filed on the next court day. This provision concerns only the method and effective date of filing; any document that is electronically filed must satisfy all other legal filing deadlines and requirements. This rule does not affect the timing requirements for any documents that must be filed by a set time on the due date.

This rule is subject to the provisions set forth in Code of Civil Procedure § 1010.6 and California Rules of Court, rules 2.250 to 2.259. (Effective January 1, 2016, New)

## CHAPTER 5. FAMILY LAW RULES

#### 5.5.3 Family Court Services Orientation

A. Pursuant to California Rule of Court 5.210e(2), Family Court Services provides orientation information regarding the Tier 1 – Confidential Mediation process. Unless excused by the Court, both parties are required to complete orientation prior to their scheduled Tier 1 – Confidential Mediation appointment.

B. The orientation prepares parties for their Tier 1 – Confidential Mediation by giving an overview of the process. This includes educational information regarding children’s developmental needs and co-parenting skills.

C. The orientation is offered in both English and Spanish in the form of an audio and visual slide show.

D. General Information and Admonitions:

1. Children do not participate in orientation. The Orientation is designed for parents, not for children.

2. Notice of successful completion of the orientation is sent automatically to Family Court Services.

3. Failing to successfully complete orientation may result in adverse consequences from the Court.

4. If the Court orders the parties to participate in Tier 1 – Confidential Mediation on more than one occasion, the Court may again order the parties to complete the Family Court Services orientation in the following circumstances:

a. If the parties have failed to complete the orientation as previously ordered by the Court, or

b. If it has been more than 6 months since the parties last completed the orientation. (Effective January 1, 2016, New)

**5.5.34 Attendance at FCS Appointments**

No change. (Effective January 1, 2015; Rule 5.5.3 (now 5.5.4) renumbered effective January 1, 2006; adopted as Rule 34.3 effective July 1, 1998)

**5.5.45 Availability of FCS Mediators/CCRC Counselors for Testimony**

No change. (Effective January 1, 2015, Rule 5.5.4 (now 5.5.5) renumbered effective January 1, 2006; adopted as Rule 34.4 effective July 1, 1999)

**5.5.56 Contact with Mediator/CCRC Counselor**

No change. (Effective January 1, 2015; Rule 5.5.5 (now 5.5.6) renumbered effective January 1, 2006; adopted as Rule 34.5 effective July 1, 1999)

**5.5.67      Children at Court**

No change. (Effective January 1, 2013; Rule 5.5.6 (now 5.5.7) renumbered effective January 1, 2006; adopted as Rule 34.6 effective July 1, 1998)

**5.5.78      Confidential Mediation**

No change. (Effective January 1, 2013; Rule 5.5.7 (now 5.5.8) renumbered effective January 1, 2006; adopted as Rule 34.7 effective January 1, 2002)

**5.5.89      Removal of Children in Violation of a Court Order**

No change. (Rule 5.5.9 (now 5.5.8) renumbered effective January 1, 2006; adopted as Rule 34.10 effective July 1, 1992)

**5.5.910      Child Custody Evaluations**

No change. (Effective January 1, 2013; Rule 5.5.9 (now 5.5.10) renumbered effective January 1, 2006; adopted as Rule 34.12 effective July 1, 2001)